

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 ANTHONY ABUZEIDE, Special
8 Administrator for the Estate of Jack Berry
9 Dane,

10 Plaintiff,

11 v.

12 OPENROAD AUTO GROUP, INC., a
13 Washington corporation d/b/a BELLEVUE
14 LAMBORGHINI ROLLS-ROYCE
15 BENTLEY,

16 Defendant.

Case No. C17-583 RSM

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER

17 This matter comes before the Court on Plaintiff's Motion for Temporary Restraining
18 Order ("TRO"). Dkt #2. The Court has examined Plaintiff's Motion and determined that
19 Plaintiff has not attached a certificate of service nor requested issuance without notice.

20 "Motions for temporary restraining orders without notice to and an opportunity to be
21 heard by the adverse party are disfavored and will rarely be granted." LCR 65(b)(1). "The
22 Court may issue a temporary restraining order without written or oral notice to the adverse
23 party or its attorney only if specific facts in an affidavit or a verified complaint clearly show
24 that immediate and irreparable injury, loss, or damage will result to the movant before the
25 adverse party can be heard in opposition; *and the movant's attorney certifies in writing any*
26 *efforts made to give notice and the reasons why it should not be required.*" Fed. R. Civ. P.
27 65(b)(1) (emphasis added). Unless these requirements are satisfied, "the moving party must
28

1 serve all motion papers on the opposing party before or contemporaneously with the filing of
2 the motion *and include a certificate of service with the motion.*” LCR 65(b)(1) (emphasis
3 added). “Unless the Court orders otherwise, the adverse party must (1) file a notice indicating
4 whether it plans to oppose the motion within twenty-four hours after service of the motion, and
5 (2) file its response, if any, within forty-eight hours after the motion is served.” LCR 65(b)(5).
6

7 The Court concludes that Plaintiff has failed to satisfy the above procedural
8 requirements for a TRO and will deny this Motion on that ground alone. Although Plaintiff
9 moves for relief above and beyond the issuance of a TRO, the Court concludes that granting
10 any of the requested relief would be improper without notice to Defendant. The Court notes
11 that Plaintiff is free to refile this Motion after satisfying the above procedural requirements.
12

13 Having considered Plaintiff’s Motion and the remainder of the record, the Court hereby
14 finds and ORDERS:

15 (1) Plaintiff’s Motion for Temporary Restraining Order (Dkt. #2) is DENIED.

16 (2) Plaintiff is DIRECTED to serve a copy of this Order on Defendant.

17 (3) If Defendant is served with a subsequent TRO Motion on April 14, 2017, through
18 April 16, 2017, the Court will extend the deadline for Defendant to file a notice
19 indicating whether it plans to oppose the motion to noon on April 18, 2017, and the
20 deadline to file a response, if any, to noon on April 19, 2017. If Defendant is served
21 after April 16, 2017, the deadlines to respond remain as stated in LCR 65(b)(5).
22
23

24 DATED this 14th day of April 2017.

25
26 

27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE